

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sean Ray Wilson,

Case No.: 2:20-cv-00003-JAD-EJY

Plaintiff

**Order Dismissing and
Closing Case**

v.

Maggqysay, et al.,

Defendant

On March 23, 2022, the court advised plaintiff Seal Ray Wilson that his case would be dismissed for want of prosecution if no action was taken by April 23, 2022.¹ Because no action has been taken, I dismiss this case. District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A court may dismiss an action based on a party’s failure to prosecute, failure to obey a court order, or failure to comply with local rules.³ In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the

¹ ECF No. 12 (notice regarding intent to dismiss for want of prosecution). That notice was returned as undeliverable, but Wilson has not filed notice of an address change or anything else with this court since January 2021. *See* ECF No. 9.

² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

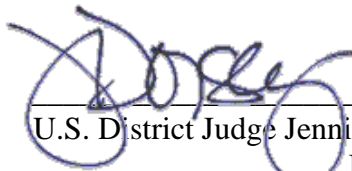
³ *See Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules); *see also* Local Rule 41-1 (authorizing dismissal of civil actions pending for “more than 270 days without any proceeding of record having been taken”).

1 risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
2 merits; and (5) the availability of less drastic alternatives.⁴

3 The first two factors, the public's interest in expeditiously resolving this litigation and the
4 court's interest in managing its docket, weigh in favor of dismissal. The third factor, risk of
5 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises
6 from the occurrence of unreasonable delay in filing a pleading ordered by the court or
7 prosecuting an action.⁵ A court's warning to a party that its failure to obey the court's order will
8 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement,⁶ and
9 that warning was given here.⁷ The fourth factor—the public policy favoring disposition of cases
10 on their merits—is greatly outweighed by the factors favoring dismissal.

11 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
12 prejudice for want of prosecution. The Clerk of Court is directed ENTER JUDGMENT
13 accordingly and to CLOSE THIS CASE. *In forma pauperis* status should not continue on
14 appeal.

15
16
17
18
19
20
21
22
23



U.S. District Judge Jennifer A. Dorsey
May 11, 2022

⁴ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130.

⁵ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

⁶ *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

⁷ ECF No. 12. And because Wilson has failed to keep the court apprised of his address, entering another order would serve no useful purpose.